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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,447	10/29/2001	Derek E. Poppink	20412-06420	4076
758	7590	01/12/2005		
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER KINDRED, ALFORD W	
			ART UNIT 2163	PAPER NUMBER

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,447

Applicant(s)

POPPINK ET AL.

Examiner

Alford W. Kindred

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-66, and 68-131 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-66 and 68-131 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: application, filed on 8/9/04.

This action is made final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10, 12-66, and 68-131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grefenstette et al., US# 2003/0069877 A1, in view of Lamburt et al., US# 6,397,228 B1.

As per claims 1, 18, 44, and 46-47 Grefenstette et al. teaches "extracting at least one query key . . ." (see page 33, paragraphs [0483]-[0484]) "at least one query result from at least one data source" (see page 13, paragraphs [0238]-[0241]) "evaluating the received at least one query result; and displaying at least one received query result" (see page 13, paragraph [0237]-[0238]) "wherein extracting, querying, receiving . . ." (see page 6, paragraph [0151]-[0154]). Grefenstette et al. does not explicitly teach "responsive to a connection with at least one data source being available per-fetching at least one query . . . asynchronously with respect to user interaction with the primary document . . . without regard to whether a connection with a data source is available." Lamburt et al. teaches "responsive to a connection with at least one data source being

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available per-fetching at least one query . . . asynchronously with respect to user interaction with the primary document . . . without regard to whether a connection with a data source is available” (see column 5, lines 24-54, whereas Lamburt’s offline element includes the pre-fetching query element illustrated in applicant’s claim language, column 31, lines 25-49, whereas Lamburt’s cache and “search results cache . . .”, further illustrates pre-fetching abilities and column 53, lines 6-23). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Grefenstette and Lamburt because using the steps of “responsive to a connection with at least one data source being available per-fetching at least one query . . . asynchronously with respect to user interaction with the primary document . . . without regard to whether a connection with a data source is available” would have giving those skilled in the art the tools to gather information beforehand for the retrieval during a latter period. This gives users the advantage of retrieving data from sources when they are not function properly or unavailable.

As per claims 2, 4, and 26 Grefenstette et al. teaches “receiving the primary document . . . displaying at least . . .” (see page 27, paragraphs [0405]-[406] and page 28, paragraph [0417]) .

As per claim 3, Grefenstette et al. teaches “accessing the primary document . . .” (see page 13, paragraphs [0232]-[0234]).

As per claims 5, 7, 9, and 18 Grefenstette et al. teaches “an electronic communication” (see page 6, paragraphs [0151]-[0152]).

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As per claims 6, 8, and 10 Grefenstette et al. teaches "an e-mail message" (see page 9, paragraphs [0192]).

As per claims 16-17, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

As per claim 12, Grefenstette et al. teaches "storing the evaluated at least one query result" (see page 14, paragraph [0250] and [0255]) "displaying the retrieved at least one query result" (see page 41, paragraphs [0571]-[0572]).

As per claim 13, this claim is rejected on grounds corresponding to the arguments given above for rejected claims 1 and 12 and is similarly rejected including the following:

-- Grefenstette et al. "displaying a preview of at least one query result . . . receiving a selection of one of the previewed items . . ." (see page 41, paragraph [0571]).

As per claims 14-15, Grefenstette et al. " teaches "retrieving the item from a cache" (see page 41, paragraphs [0578]-[0579]).

As per claims 19 and 22, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 5-6 and are similarly rejected.

As per claim 20, this claim is rejected on grounds corresponding to the arguments given above for rejected claims 5-6 and is similarly rejected including the following:

-- Grefenstette et al. teaches "transmitting across a firewall" (see page 2, paragraph [0014] and page 1, paragraph [0013]).

As per claims 21 and 23, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 19 and are similarly rejected claim 5-6 and is similarly rejected including the following:

--Grefenstette et al. teaches "XML-encoded . . ." (see page 5, paragraph [0144]).

As per claim 24, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

-- Grefenstette et al. teaches "at least one information appliance" (see page 5, page [0144] i.e. "standards").

As per claim 25, Grefenstette et al. teaches "a visitor kiosk; a meeting recorder; a presentation recorder . . . a document management device" (see fig. 55—sheet 55 of 69, i.e. interface).

As per claim 27, Grefenstette et al. teaches "whether the query result has previously been displayed" (see page 28, paragraphs [0418]-[0419] and page 29, paragraph [0435]).

As per claims 28-29 and 37-38, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 2 and is similarly rejected including the following:

-- Grefenstette et al. teaches "displaying at least one received query result . . . determination indicating that the query result is sufficiently relevant" (see page 17, paragraphs [0282]-[0283]).

As per claims 30-31, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1 and are similarly rejected including the following:

-- Grefenstette et al. teaches "querying at least one data source with at least one secondary query key . . ." (see page 33, paragraphs [0483]-[0485]).

As per claim 32, Grefenstette et al. teaches "displaying at least one received query . . . currently active software application" (see page 12, paragraphs [0220]-[0222]).

As per claims 33-35 and 55, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

--Grefenstette et al. teaches "displaying the query result in a sidebar plane adjacent to a currently active on-screen window" (see page 12, paragraphs [0219]-[0220]).

As per claims 36 and 56, Grefenstette et al. teaches "query result comprises a hyperlink to a resource . . ." (see pages 12-13, paragraph [0230]).

As per claim 39, Grefenstette et al. teaches "query results is performed responsive to the context of the query key in the primary document" (see page 13, paragraphs [0238]-[0240]).

As per claims 40, 42, and 48, Grefenstette et al. teaches "a network-connected computer containing shared information" (see page 1, paragraph [0007]).

As per claim 41, Grefenstette et al. teaches "a shared directory" (see page 2, paragraphs [0014]).

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As per claim 43, Grefenstette et al. teaches “an electronic communication; word processing documents, spreadsheet document . . . a file; an image . . .” (see page 8, paragraphs [0180]-[0181]).

As per claim 45, Grefenstette et al. teaches “a part-of-speech analysis to the primary document” (see page 6, paragraphs [0157]-[0158]).

As per claim 49, Grefenstette et al. teaches “a portable computing device” (see fig. 2—sheet 2 of 69, i.e. 219).

As per claims 50 and 52, Grefenstette et al. teaches “a text document” (see page 4, paragraph [0125]).

As per claims 51 and 53, Grefenstette et al. teaches “a non-text document” (see page 4, paragraphs [0119]-[0125]).

As per claim 54, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

-- Grefenstette et al. teaches “displaying the query result in a calendar display” (see page 6, paragraph [0162] and page 35, paragraphs [0505]-[0506]).

As per claims 57-58 and 60, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 33-35 and are similarly rejected.

As per claims 59 and 61, Grefenstette et al. teaches “displaying a menu . . . user selection of the at least one command, displaying a query result” (see page 37, paragraphs [0522]).

As per claims 62—66 and 68-98, these claims are rejected on grounds corresponding the arguments given above for rejected claims 1 and 8-61 and are similarly rejected.

As per claim 100-131, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-10, 12-66, and 68-98 and are similarly rejected.

Response to Arguments

4. Applicant's arguments with respect to claims 1-131 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 8/9/04 have been fully considered but they are not persuasive.

As per applicant's arguments regarding "the only mention of e-mail in the cited paragraph is a reference to the fact that the meta-document server . . . there is no description of the primary document comprising an e-mail message", examiner maintains that Grefenstette's e-mail element is used in a manner similar to applicant's claim language involving a primary document. Grefenstette's e-mail notification clearly includes a primary document element in a way illustrated in applicant's claim language.

As per applicant's arguments regarding "there is not hint or suggestion of determining whether a particular query result has previously been displayed . . .", examiner maintains that Grefenstette's contextualizing and classification element

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involving query, contain the storage abilities for indicating previous queries in a manner similar to applicant's claim language.

As per applicant's arguments regarding "there is no hint or suggestion . . . performing unconscious data retrieval by querying data sources . . .", examiner maintains that Grefenstette's "intelligent agent" indicates a logic associated with querying and therefore illustrates abilities similar to applicant's claim language regarding unconscious data retrieval.

As per applicant's arguments regarding "Grefenstette fails to describe any technique for transmitting a query over a network", examiner maintains that Grefenstette's e-mail teachings, clearly indicates a network element being incorporated.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alford W. Kindred
Patent Examiner
Tech Ctr. 2100